

Item SPR06-39 Response Form

Title: Coordination of Complex Civil Cases: Timing of Motion Papers and Notice of Submission of Petition (amend Cal. Rules of Court, rules 1512, 1521, 1523, 1525, and 1526)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ Title: _____

Organization: _____

☐ **Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

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| DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 23, 2006 |
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council,
the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.
All comments will become part of the public record of the council's action.*

Invitations to Comment SPR06-39

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| Title | Coordination of Complex Civil Cases: Timing of Motion Papers and Notice of Submission of Petition (amend Cal. Rules of Court, rules 1512, 1521, 1523, 1525, and 1526) |
| Summary | The proposed rule amendments would change from calendar days to court days the time for service, filing, and submission of most motion papers in coordination proceedings. They would also change the time for submitting a notice of submission of a petition for coordination from calendar days to court days. |
| Source | Civil and Small Claims Advisory Committee |
| Staff | Susan R. Goins, 415-865-7990, susan.goins@jud.ca.gov |
| Discussion | <p>Rule 1512 of the California Rules of Court governs motion papers in coordination proceedings generally, including papers in support of or opposition to a petition for coordination. It requires that response or opposition papers be served and submitted at least nine calendar days before the hearing. Rules 1521, 1522 and 1523 use calendar days in addressing the time for opposition to a petition for coordination and for submitting to the Chair of the Judicial Council the notice of submission of the petition. Rules 1525 and 1526 use calendar days in setting the time for serving and filing papers in opposition to and in support of a petition for coordination.</p> <p>In contrast, Code of Civil Procedure section 1005, which establishes the time for serving and filing most civil motions, papers in opposition, and reply papers uses court days rather than calendar days.</p> <p>Amending rules 1512, 1525, and 1526 to provide that all opposition papers—unless otherwise provided for in the rules for coordination of complex civil cases—and papers in support of a petition for coordination be served and submitted at least nine court days before the hearing would bring consistency with Code of Civil Procedure provisions governing most motions.</p> <p>The amended rules would provide less time to file papers in opposition to or in support of a petition for coordination because they would be due at least nine court days, rather than calendar days, before the hearing. The amended rules would provide more time to submit proof of filing the notice of submission of petition because they would be due within five court days, rather than calendar days, of submitting the petition.</p> |

The proposed rule amendments would assist practitioners and courts by making the time for service, filing, and submission of most papers in coordination proceedings the same as in civil actions generally.

Attachment

Rules 1512, 1521, 1522, 1523, 1525, and 1526 of the California Rules of Court would be amended, effective January 1, 2007, to read:

Rule 1512. Service of memorandums and declarations

Unless otherwise provided in the rules in this chapter or directed by the assigned judge, all memorandums and declarations in support of or opposition to any petition, motion, or application must be served and submitted at least nine ~~calendar~~ court days before any hearing on the matter at issue.

Rule 1521. Petition for coordination

(a) ***

(b) **[Submit proof of filing and service]** Within five ~~calendar~~ court days of submitting the petition for coordination, the petitioner must submit to the Chair of the Judicial Council proof of filing of the notice of submission of petition required by rule 1522, and proof of service of the notice of submission of petition and of the petition required by rule 1523.

(c) ***

(d) ***

Rule 1522. Notice of submission of petition for coordination

(a) **[Contents of notice of submission]** In each included action, the petitioner must file a “Notice of Submission of Petition for Coordination” and the petition for coordination. Each notice must bear the title of the court in which the notice is to be filed and the title and case number of each included action that is pending in that court. Each notice must include:

(1) ***

(2) ***

(3) ***

1 (4) The statement that any written opposition to the petition must be
2 submitted and served at least nine calendar court days before the
3 hearing date.
4

5 (b) [Copies of notice] The petitioner must submit the notice and proof of
6 filing in each included action to the Chair of the Judicial Council within
7 five ~~calendar~~ court days of submitting the petition for coordination.
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10 **Rule 1523. Service of notice of submission on party**
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12 The petitioner must serve the notice of submission of petition for
13 coordination that was filed in each included action, the petition for
14 coordination, and supporting documents on each party appearing in each
15 included action and submit the notice to the Chair of the Judicial Council
16 within five ~~calendar~~ court days of submitting the petition for coordination.
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19 **Rule 1525. Response in opposition to petition for coordination**
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21 Any party to an included action that opposes coordination may serve and
22 submit a memorandum and declarations in opposition to the petition. Any
23 response in opposition must be served and filed at least nine ~~calendar~~ court
24 days before the date set for hearing.
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27 **Rule 1526. Response in support of petition for coordination**
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29 Any party to an included action that supports coordination may serve and
30 submit a written statement in support of the petition. Any response in support
31 must be served and filed at least nine ~~calendar~~ court days before the date set
32 for hearing. If a party that supports coordination does not support the
33 particular site or sites requested by the petitioner for the hearing on the
34 petition for coordination, that party may request that a different site or sites
35 be selected and include in his or her response the facts relied on in support
36 thereof.